

SECTION 16.17 BUMPING FOR NON-CONTRACT-COVERED EMPLOYEES

Last Update: 2/13

A. Eligibility

1. In lieu of layoff, permanent employees in affected classes may elect to change classes or "bump". Bumping rights are described in DAS-HRE sub rule [11 IAC 60.3\(5\)](#). Probationary and temporary employees in affected classes do not have bumping rights because they are terminated prior to the effective date of the layoff.
2. Supervisory employees, with the exception of supervisors at the Department of Public Safety, are ineligible to bump. Following the passage of Senate File 2088, DAS-HRE rule [11 IAC 60.3\(5\)](#) was adopted. It states, "Supervisory employees, with the exception of supervisory employees of the department of public safety, may not bump or replace junior employees who are not being laid off. For purposes of this sub rule, 'junior' employee means an employee with less seniority or fewer retention points than a supervisory employee."

Supervisory employees, except those at the Department of Public Safety, are ineligible to bump any less senior employee, including employees in a lower level supervisory position or in a formerly held class. The effect of Senate File 2088 is that employees in supervisory job classes will be unable to bump other employees.

3. **Bumping may occur only within the applicable layoff unit.** Layoff units for non-contract employees may be different than the layoff units for contract-covered employees affected by the same layoff. The Appointing Authority may designate the layoff unit for non-contract employees. If the layoff unit is smaller than a bureau, the DAS-HRE must review and approve the criteria used to determine the layoff unit. Bumping shall occur in accordance with the layoff order (retention points) and the layoff unit governing the class to which the employee is bumping. Employees may bump only when they have greater retention points when bumping to non-contract-covered classes (unless a specific exemption is made where special skills or abilities are required) or more seniority than other employees when bumping to contract-covered classes (unless the contractual provisions regarding performance, ability, or special skills are utilized, allowing for the layoff of a person with greater seniority). An employee with greater retention points who has received a rating of less than "meets expectations" on the most recent performance review given within the last 12 months, or who has a disciplinary suspension or demotion within the last 12 months, may be subject to reduction in force before the employee with the next lowest retention points, subject to approval of the DAS director.

Non-contract-covered, non-supervisory employees who wish to bump into an AFSCME-covered class must have their seniority computed as follows:

- Current non-contract employees who were in their non-contract covered class on July 1, 2003, will continue to accrue AFSCME seniority based on the original date of hire with the State.
- Current non-contract, non-supervisory employees who were in their non-contract-covered class on July 1, 2003, will continue to accrue AFSCME bargaining unit seniority based on the original date of hire with the State.
- Employees in AFSCME-covered classes on July 1, 2003, who later move to a non-contract job class, will have their original seniority date frozen as of the date they moved to the non-contract class.
- Employees hired after July 1, 2003, in non-contract job classes will not accrue AFSCME seniority, nor would they have any seniority to apply in cases of bumping to an AFSCME-covered class.

Please contact your Personnel Officer when making determinations regarding seniority of non-contract employees wishing to bump into AFSCME-covered classes.

The employee with the least retention points or seniority will be laid off, regardless of whether an employee is on a paid or unpaid leave or is in work status.

For non-contract-covered, non-supervisory employees (bargaining unit status "U" and "E"), bumping shall occur as follows:

The employee chooses to bump to a lower-level, non-supervisory class in the same series or any formerly-held, non-supervisory class while in continuous state service. Employees may not bump to classes from which they voluntarily or disciplinarily demoted.

Notes:

For class series information, refer to [16.45](#), "Classes Constituting a Series."

Employees in non-supervisory classes may not bump to supervisory classes, even if they formerly held those classes.

4. Non-contract covered, non-supervisory employees may bump into formerly-held contract covered or non-contract covered, non-supervisory classes within the layoff unit. When bumping to a contract covered class, the contract layoff unit applies. One pay period spent in a class constitutes a formerly-held class. Employees who wish to bump must meet the current minimum qualifications for the class and any applicable selectives for special skills or abilities for the position. An employee with greater retention points who has received a rating of less than "meets expectations" on the most recent performance review given within the last 12 months, or who has a disciplinary suspension or demotion within the last 12 months, may be subject to reduction in force before the employee with the next lowest retention points, subject to approval of the DAS director.

B. Notice

1. If an employee initially chooses to bump to a job class, they may change that election if the employer provides specific position and location information at a later date that is not acceptable to the employee. Once an employee has been given the complete information on the bumping option, including the job class, the position, and the location, the employee must make an election to bump or decline the bump within five days after receipt of that notice.
2. An employee may waive the 20 work days notice if the employee bumps to a vacant position. The employee cannot bump to a filled position early if it would cause another employee to be bumped with less than 20 workdays notice.
3. An employee who is bumping to a filled position may be placed in an overlap position until the 20 work days notice expires for the employee who is being displaced by the bumping.

C. Assignment upon Bumping

1. An employee only elects to bump to the class, not to an individual position. An employee may not bump in the same class. The appointing authority will decide the specific position. If the employee refuses to accept the position assigned, the employee will be laid off.
2. An employee who elects to bump may be assigned to a vacant position as long as the position is approved to be filled and all contractual requirements and/or rules have been exhausted regarding the filling of a permanent vacancy if the position is covered by a collective bargaining contract.

3. If a part-time employee has bumping rights to another class, and the employee who is bumped occupies a full-time position, the employee electing to bump must accept the full-time status of the position or be laid off (or vice versa).

D. Pay upon Bumping

1. The pay of an employee who elects to bump will remain the same unless the pay needs to be adjusted to the minimum or maximum rate for the class. Employees bumping to contract-covered classes must not exceed the maximum. In limited circumstances, red-circling may be approved for non-contract employees bumping into non-contract classes. Consult with your Personnel Officer.

Generally, the increase eligibility date remains the same for an employee who elects to bump. There are, however, some exceptions in paragraph [11 IAC 53.7\(5\)2\(b\)](#), which should be reviewed.

2. If employees are given effective dates for bumping that are in the middle of a pay period, payroll and personnel documents are to be processed at the beginning of the next pay period. Employees shall continue to be paid at their current rate of pay until the end of the pay period in which their date of bumping is effective.

E. Miscellaneous Bumping Information

1. Formerly-held classes that no longer exist may be given an equivalent class designation if an equivalent class exists. Consult your Personnel Officer with questions concerning equivalent classes.
2. Formerly-held positions that have been reclassified due to a new class or class series being implemented or re-titled shall be reviewed upon request and bumping rights granted to both the old title, if still in existence, and the current title of the class.
3. See the examples in [16.50](#) for assistance with issues involving bumping from a full-time position to a part-time position.
4. A non-contract, non-supervisory employee who elects to bump in lieu of layoff is eligible for recall to the class and layoff unit held at the time of the election to bump.
5. A non-contract, non-supervisory employee who bumps in lieu of layoff and subsequently leaves employment for any reason other than a subsequent layoff is no longer eligible for recall.